

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOHN and SHERALIN CARY,

Plaintiffs,

v.

METLIFE HOME LOANS, et al.,

Defendants.

3:10-CV-0547-LRH-RAM

ORDER

Before the court is plaintiffs John and Sheralin Cary's ("the Carys") complaint for injunctive relief filed on September 8, 2010. Doc. #1.¹ Along with the complaint, the Carys filed a motion for a preliminary injunction pursuant to Federal Rule of Civil Procedure 65. Doc. #3.

Rule 65 provides in pertinent part that "[t]he court may issue a preliminary injunction only on notice to the adverse party." FED. R. CIV. P. 65(a)(1). Notice is accomplished by serving the adverse party with a copy of the motion in the same manner in which a party serves a summons and complaint under Rule 4. *See* FED. R. CIV. P. 4(c)(1); FED. R. CIV. P. 4(m).

Here, the Carys have not served a copy of the complaint and summons upon the defendants, nor have they served a copy of their motion for a preliminary injunction. As such, defendants do not have notice of the motion and the court can take no action at this time. Therefore, the court will

¹ Refers to the court's docket number.

1 take no action on the Cary's motion until such time that proper service under Rule 4 has been
2 accomplished.

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4 IT IS THEREFORE ORDERED that the court shall take no action on plaintiff's motion for
5 a preliminary injunction (Doc. #3) until service of the motion, along with the complaint and
6 summons, has been accomplished.

7 IT IS SO ORDERED.

8 DATED this 22nd day of September, 2010.



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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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